



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EAG/AL
F.#2010R00153

271 Cadman Plaza East
Brooklyn, New York 11201

January 26, 2012

By Hand Delivery and ECF

The Honorable Kiyo A. Matsumoto
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. John Maggio
Criminal Docket No. 11-30 (KAM)

Dear Judge Matsumoto:

On September 22, 2011, the defendant pled guilty to Court Fifty-eight of the indictment in the above-captioned case, charging possession of contraband cigarettes, in violation of 18 U.S.C. §§ 2342(a) and 2344(a). In his sentencing submission, the defendant asserts that the applicable sentencing range under the United States Sentencing Guidelines is 2 to 8 months' incarceration, and he seeks a sentence of probation. (Ltr. from Vincent J. Romano, Esq., to the Court dated January 23, 2012 (Docket Entry No. 653) at 2.) The government agrees that the Guidelines range is 2 to 8 months' incarceration and, consistent with the terms of the plea agreement between the government and

the defendant, recommends that the defendant be sentenced to a term of probation.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/
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cc: Clerk of the Court (KAM) (by ECF)
Vincent J. Romano, Esq. (by ECF)
Michelle Espinoza, Senior U.S. Probation Officer (by email)